

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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RYAN T.,

Plaintiff,

-v-

5:24-CV-272

CAROLYN COLVIN ACTING  
COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

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APPEARANCES:

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SOCIAL SECURITY  
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DAVID N. HURD  
United States District Judge

OF COUNSEL:

HOWARD D. OLINSKY, ESQ.

KATHRYN POLLACK, ESQ.  
KRISTINA D. COHN, ESQ.

**ORDER ON REPORT & RECOMMENDATION**

On February 26, 2024, plaintiff Ryan T. filed this 42 U.S.C. § 405(g) action seeking judicial review of a final decision of the Commissioner of Social Security (“Commissioner” or “Defendant”) denying his application for

disability benefits. Dkt. No. 1. Along with his complaint, plaintiff moved for leave to proceed *in forma pauperis* (“IFP”), Dkt. No. 3. U.S. Magistrate Judge Mitchell J. Katz granted plaintiff’s IFP application, Dkt. No. 6, and briefing schedule was set. Dkt. No. 5. The parties filed their respective memoranda—treated as motions for judgments on the pleadings under Federal Rule of Civil Procedure (“Rule”) 12(c) pursuant to General Order 18. Dkt. Nos. 11, 17.

On November 27, 2024, Judge Katz advised by Report & Recommendation (“R&R”) that plaintiff’s motion be denied, that defendant’s motion be granted, and that the final decision of the Commissioner be affirmed. Dkt. No. 19. Plaintiff has filed a timely objection. Dkt. No. 20.

In brief, plaintiff argues that Judge Katz erred when he concluded that the Administrative Law Judge (“ALJ”) properly evaluated opinion evidence. Dkt. No. 20. As defendant points out, this objection merely attempts to rehash the same issues presented to Judge Katz in plaintiff’s briefing.

Upon *de novo* review, Judge Katz’s R&R is accepted and will be adopted in all respects. *See* FED. R. CIV. P. 72(b). Judge Katz reasoned that the ALJ properly articulated how they considered the medical opinions and how persuasive they found all of the medical opinion to be. Dkt. No. 19. Specifically, Judge Katz explained that the ALJ’s conclusion that Drs. Picone and Hartwick’s opinions were unpersuasive was supported by sufficient

evidence and free from legal error requiring remand. *Id.* In sum, and after considering plaintiff's objection, the Court will accept Judge Katz's R&R in all respects.

Therefore, it is

ORDERED that

1. The Report & Recommendation (Dkt. No. 19) is ACCEPTED; and
2. Plaintiff's motion for a judgment on the pleadings (Dkt. No. 11) is

DENIED;

3. Defendant's motion for a judgment on the pleadings (Dkt. No. 17) is GRANTED; and

4. The final decision of the Commissioner is AFFIRMED.

The Clerk of the Court is directed to terminate the pending motion and enter a judgment accordingly.

IT IS SO ORDERED.



David N. Hurd  
U.S. District Judge

Dated: January 8, 2025  
Utica, New York.